

REMARKS

On March 31, 2009, Examiner Andre Pierre Louis initiated a phone call with Aaron C. Deditch (Reg. No. 33,865) to offer certain proposed amendments to the claims. The examiner amendments were agreed with, and as detailed in the Examiner's Amendment and Interview Summary, non-elected claims 6 to 15 were canceled without prejudice to allow the case based on allowed claims 16 and 17.

It is noted that the Interview Summary form that was used by the Examiner was PTOL-413, which states that Applicant is given one month from the Interview date (April 31, 2009) or one month from its mailing date (May 14, 2009), whichever is later. Accordingly, the one-month response date is May 14, 2009.

However, since this was an Examiner initiated interview, it is respectfully submitted that PTOL-413B should have been used, and since the case was allowed, the first box of Part III of that form should have provided that Applicant did not need to provide a separate record of the interview, since the interview directly resulted in the allowance of the Application, and since the Examiner provided a written summary of the substance of the interview in the Notice of Allowability (which was done here).

As explained above, the Examiner's characterizations in the Amendment and Interview Summary are agreed with as to the cancellation of claims 6 to 15 to allow the case. Claims 16 and 17 are allowed.

If Applicant had initiated the Interview (which was not the case), then PTOL-413 would have been the proper form to use.

The foregoing procedures are documented and explained in the M.P.E.P. At 713.04 (pages 700-182 to 700-186).

Since, however, the Examiner sent form PTOL-413, it is believed that this response satisfies the request for Applicant to file a Statement of the Substance of the Interview (see pages 700-184 and 700-185 of the M.P.E.P.).

U.S. Pat. App. Ser. No. 09/980,146
Attorney Docket No. 10191/2063
Communication (Substance of the Interview)
As to April 14, 2009 Notice of Allowability and Interview Summary

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the pending claims are allowed in view of the Notice of Allowability. It is therefore respectfully requested that the present application issue promptly.

Respectfully submitted,

Dated: 5/16/2009

By:

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